

### **REMARKS**

The undersigned wishes to thank the Examiner for her time and courtesy during the brief telephonic interview that took place on November 24, 2003. The following discussion is intended to constitute a proper recordation of such interview in accordance with MPEP §713.04, and also to provide a full response to the Office Action mailed on October 31, 2003.

In the Office Action, the Examiner maintained her rejections of claims 38-40, 41 and 44 under 35 U.S.C. §102(b) as anticipated by Ismail et al. During the interview, the Examiner noted that layer 40 in Ismail et al. is relaxed, and that layer 30 is both compressively strained and graded (col. 6, lines 34-36). Because layer 40 is relaxed, the Examiner explained, layer 30 is less strained than it would have been absent lattice mismatch to layer 40. The undersigned responded that whether or not there is lattice mismatch, claim 35 requires strain reduction as a result of subsequent processing — i.e., that even if layer 40 affects the strain in layer 30, this merely determines the strain that layer 30 exhibits initially; it does not qualify as subsequent processing as called for by the claim.

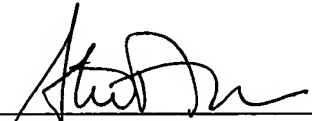
The examiner responded that claim 35 does not specify any particular sequence of steps, and suggested designating the steps with successive letters. This we have done in the foregoing amendment. Accordingly, we submit that all claims are now in condition

for allowance. Please charge any fee occasioned by this paper to our Deposit Account  
No. 20-0531.

Respectfully submitted,

Date: December 2, 2003  
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